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11 Attorneys for Defendant Acquire, Inc.

12
13 **UNITED STATES DISTRICT COURT**
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15 **FOR NORTHERN DISTRICT OF CALIFORNIA**
16
17 **SAN FRANCISCO DIVISION**

18 CONVEX PROMOTIONS, INC., a
Delaware corporation,

19 Plaintiff,

20 vs.

21 ACQUIRE, INC., a California corporation,

22 Defendant.

23 CASE NO. C-04-4153-PJH

24
25 **STIPULATION AND PROPOSED
ORDER TO TAKE OFF CALENDAR
THE HEARING ON DEFENDANT
ACQUIRE, INC.'S MOTION FOR
LEAVE TO FILE A THIRD-PARTY
COMPLAINT AND THE MARKMAN
HEARING**

26 AND RELATED COUNTERCLAIMS.

1 WHEREAS, on October 18, 2005, United States Magistrate Judge Elizabeth D. Laporte entered
2 an Order Setting Further Settlement Conference on October 28, 2005;

3 WHEREAS, both parties to this action along with their respective lead counsel attended the
4 aforementioned settlement conference;

5 WHEREAS, at the aforementioned settlement conference, the parties agreed that Plaintiff
6 Convex Promotions, Inc. ("Convex") shall provide a draft settlement agreement to Defendant Acquire,
7 Inc. ("Acquire") by the close of business on November 2, 2005, and Acquire shall finalize the agreement
8 by November 4, 2005;

9 WHEREAS, the parties also agreed that Convex would call Magistrate Judge Laporte's
10 chambers by noon on November 4, 2005 to update her on the status of the settlement;

11 WHEREAS, the hearing for Acquire's Motion for Leave to File a Third-Party Complaint Against
12 Viva Magnetics Limited and Prime Optical ("Motion for Leave to File") is scheduled on November 2,
13 2005; and

14 WHEREAS, the Markman hearing is scheduled for November 16, 2005;

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1 THE PARTIES, by and through their counsel, respectfully request that the Court take off
2 calendar the November 2, 2005 hearing on Acquire's Motion for Leave to File and the Markman hearing
3 until such time as agreed to by the parties at a later date.

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5 DATED: November 1, 2005

PAUL J. SUTTON
TERENCE J. CLARK
ANDREW ELISEEV
GREENBERG TRAURIG, LLP

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7
8 By _____ /s/
9 Andrew Eliseev

10 Attorneys for Plaintiff and Counter-Defendant
11 Convex Promotions, Inc.

12 DATED: November 1, 2005

PAUL J. ANDRE
LISA KOBIALKA
SHREYA RAMCHANDANI
PERKINS COIE LLP

13
14 By _____
15 Paul J. Andre
16 Attorneys for Defendant and Counter-Claimant Acquire,
17 Inc.
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20 **ORDER**

21 IT IS SO ORDERED.

22 DATED: 11/1/05



23 Phyllis J. Hamilton
United States District Judge